

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FRONTIER AIRLINES, INC.,

Plaintiff,

v.

AMCK AVIATION HOLDINGS IRELAND
LIMITED, ACCIPITER INVESTMENT 4
LIMITED, VERMILLION AVIATION (TWO)
LIMITED, WELLS FARGO TRUST COMPANY,
N.A., solely in its capacity as OWNER TRUSTEE,
and UMB BANK, N.A., solely in its capacity as
OWNER TRUSTEE,

Defendants.

20 Civ. 9713 (LLS)

**STIPULATION AND [PROPOSED] ORDER ALLOWING
CASH DEPOSIT IN LIEU OF SUPERSEDEAS BOND**

WHEREAS, on July 2, 2024, the Court entered an Amended Judgment against Defendants AMCK Aviation Holdings Ireland Limited, Accipiter Investments Aircraft 4 Limited and Vermillion Aviation (Two) Limited (collectively, “Defendants”) in the total amount of \$49,499,884.93;

WHEREAS, on July 12, 2024, Defendants filed a Notice of Appeal appealing, among other things, the Amended Judgment, which is currently pending before the United States Court of Appeals for the Second Circuit (the “Appeal”);

WHEREAS, Defendants intend to deposit cash with the Court to stay enforcement of the Amended Judgment while the Appeal is pending;

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff Frontier Airlines, Inc. (“Frontier”) and Defendants, that:

1. Defendants are authorized to deposit with the Court the sum of \$54,944,872.27, representing 111% of the amount of the Amended Judgment, pursuant to Rule 67(a) of the Federal Rules of Civil Procedure;

2. The deposited funds shall be maintained in an interest-bearing account or invested in one or more interest-bearing instruments pursuant to Rule 67(b) of the Federal Rules of Civil Procedure;

3. The Clerk shall deduct from the income on the investment a fee consistent with that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office pursuant to Local Civil Rule 67.1(b)(2);

4. The deposited funds shall serve as “other security” for the Amended Judgment pursuant to Rule 62(b) of the Federal Rules of Civil Procedure;

5. Pursuant to 28 U.S.C. § 2042, the deposited funds, and any interest earned thereon, shall not be withdrawn except by order of the Court; and

6. Proceedings to enforce the Amended Judgment, or to obtain discovery in aid of such enforcement, shall be stayed pending final disposition of the Appeal.

[Remainder of Page Intentionally Blank]

Dated: July 29, 2024



David G. Hosenpud (*pro hac vice*)
LANE POWELL PC
601 SW Second Avenue, Suite 2100
Portland, Oregon 97204
Tel: 503-778-2141
Email: hosenpudd@lanepowell.com

Attorneys for Plaintiff

s/ Jeff E. Butler

Jeff E. Butler
CLIFFORD CHANCE US LLP
Two Manhattan West
375 9th Avenue
New York, New York 10001
Tel: 212-878-8205
Email: jeff.butler@cliffordchance.com

Attorneys for Defendants

SO ORDERED:

Louis L. Stanton
United States District Judge

Dated: July __, 2024